

**RECEIVED
CENTRAL FAX CENTER**

408-492-3122

p.8

FEB 25 2008Amendment in response to an
November 27, 2007 Office actionAtty Dkt No.: 2001P18373US
Serial No.: 10/032,889**REMARKS**

Claims 1, 3 – 11, 13 – 16 and 20 – 22 remain in the application and stand rejected. Claims 2, 6 and 17 – 19 are previously canceled. Claims 1, 4, 5, 7, 9, 10, 13, 15 and 20 are amended herein. New claims 23 – 25 are added. No new matter has been added. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The “examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application.” MPEP 2164.04, last paragraph (emphasis original).

Claims 1, 4, 5, 7, 9, 10, 13, 15 and 20 are amended herein to better recite the invention, as supported by Figure 1 and corresponding description in the specification, e.g., page 3, lines 13 – 30. In particular, claims 1, 9, 15 and 20 are amended to recite that the digital telephones are in a private telephone network, that the remote telephones communicate through the public telephone network and that they cooperate with corresponding remote devices (virtual digital telephones) to act as digital telephones in the private network. This is neither shown nor suggested by any reference of record. Claims 4 and 10 are amended to recite that the particular remote device designates/selects the corresponding remote phone. This is not shown or suggested by any reference of record and is supported by the specification, e.g., page 6, lines 4 – 15 (“For a three party conference call, the client PC can place a call to the user’s cell phone, e.g., at 706-7766 in one area code. Then, the client PC can place the cell phone call on hold.”). Claim 5 is amended to recite that remote devices connect over a second public network that is different than the public telephone network. This is not shown or suggested by any reference of record and is supported by claim 11 and the specification in general. Claims 7 and 13 are amended to recite that the remote telephones may be WAP devices. This is not shown or suggested by any reference of record and is supported by the specification at page 3, lines 25 – 30. No new matter is added.

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New claims 23 – 25 recite that the remote telephone may include “an analog telephone connected to a land line to said public telephone network, a cell phone connected to a cellular network and a wireless access protocol (WAP) connected to a wireless network.” This is not shown or suggested by any reference of record and is supported by the specification at page 3, lines 25 – 30. No new matter is added. Independent consideration and allowance of claims 23 – 25 is respectfully requested.

Claims 1, 3 – 11, 13 – 16 and 20 – 22 are rejected as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,020,915 to Bruno et al. and U.S. Patent No. 5,619,555 to Fenton et al. in view of newly cited U.S. Patent No. 6,047,054 to Bayless et al., alone, or further in view of published U.S. Patent Application No. 2001/0026609 to Weinstein et al. The rejection is respectfully traversed.

In rejecting claims 1, 3 – 11, 13 – 16 and 20 – 22, the Office action relies on Bruno et al. and Fenton et al. as previously noted; and further, on Bayless et al., col. 1, lines 64 – 67 and col. 40, lines 59 – 67 to show “full access to the capabilities of the PBX server...” Office action page 3, last paragraph.

Bruno et al. shows all arrangements of devices 101, 102, 103, 104 and 136/138 paired and serviced by/connected to common switches 114, 115, 116, 117, 132. See, e.g., col. 4, lines 25 – 45 (“Each LEC may include a SESS.RTM. switch manufactured by Lucent Technologies, Inc., or other switch.”). Communications to the switch 114, 115, 116, 117, 132 is not over a public network; and from switch 114, 115, 116, 117, 132 to switch 122, the connection 118, 119, 120, 130 is common for each arrangement. Bruno et al. fails to show a private network of digital telephones.

As previously noted, Fenton et al. teaches “an audio conferencing system 10 having a central server 12 connected through a LAN 14 to a pair of remote computers or workstations 16 and 18 and through a telephone network 20 to a pair of remote telephone sets 22 and 24. The telephone sets are not directly associated with the remote computers.” Col. 4, lines 53 – 57 (emphasis added). While an individual Fenton et al. computer 16, 18 may control an audio

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conference, it is “**not** directly associated with the remote computers.” *Id.* Therefore, the “pair of remote computers or workstations 16 and 18 and ... a pair of remote telephone sets 22 and 24” are not a pair of virtual digital telephones. Further, that “telephone sets are **not** directly associated with the remote computers” teaches away from the present invention.

Bayless et al. teaches a client server architecture based system wherein users’ “personal computers are connected to one another and a server over a local area network.” Col. 1, lines 53 – 57 (emphasis added); and see, col. 8, lines 62 – 67. The server is connected to a PBX and user phones on user desks are connected to the PBX. Col. 1, lines 57 – 60. However, those user phones are incidental to the Bayless et al. invention. Instead Bayless et al. is directed to “presenting the [computer] user with a fully functional telephone system using a flexible graphical user interface.” *Id.*, lines 47 – 49. Thus, the users’ personal computers run a GUI “through which each user may receive and place calls and use other telephone functions.” *Id.*, lines 60 – 64. Using a respective computer as a fully functional telephone, each user “may access the server computer, as necessary, to access the PBX” *Id.*, lines 64 – 67.

Further, Bayless et al. Figure 3 shows a “computer telephone system 10 [that] comprises general purpose computer 56, and telephone 12. Computer telephone system 10 is connected to central office 80 through Centrex line 76. General purpose computer 56 is connected to central office 80 using telephone interface software 78 and Centrex line 76.” Col. 8, lines 62 – 67. “To allow all functions of computer telephone system 10 to be utilized with the embodiment illustrated in FIG. 3, both client software 82 and server software 84 are executed on general purpose computer 56.” Col. 9, lines 1 – 4. Since the “computer telephone system 10 [that] comprises general purpose computer 56, and telephone 12,” the combination with Fenton et al. is contrary to the teaching of both and, therefore, non-obvious.

Thus, the combination of Bruno et al. and Fenton et al. with Bayless et al. fails to result in the present invention as recited in the claims, as rejected or as amended. Further, since Fenton et al. teaches away, and since the combination of Bayless et al. with Fenton et al. is contrary to the teaching of both; the combination of Bruno et al. and Fenton et al. with Bayless et al. is non-

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obvious. Reconsideration and withdrawal of the rejection of claims 1, 3 – 6, 9 – 11, 15 – 16 and 20 – 22 under 35 U.S.C. §103(a) is respectfully requested.

Neither does Weinstein et al., which is relied upon to teach a wireless area protocol (WAP) device connected over the Internet, add what is missing from the combination of Bruno et al., Fenton et al. and Bayless et al. to result in the present invention as recited in 1 and 9. Thus, the combination of a Weinstein et al. WAP with Bruno et al., Fenton et al. and Bayless et al. does not result in the present invention as recited in claims 7, 8, 13 and 14, which depend from claims 1 and 9. Reconsideration and withdrawal of the rejection of claims 7, 8, 13 and 14 under 35 U.S.C. §103(a) is respectfully requested.

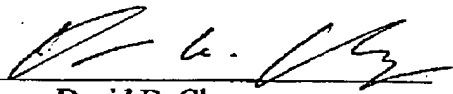
The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the amendment to place application in condition for allowance, the applicants respectfully request that the Examiner consider new claims 23 – 25, reconsider and withdraw the rejection of claims 1, 3 – 11, 13 – 16 and 20 – 22 under 35 U.S.C. §103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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